

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HEATH WHITT, #222 052,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:19-CV-24-WHA
	)	[WO]
WARDEN MCCLAIN, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER AND FINAL JUDGMENT**

Plaintiff, a state inmate, filed this 42 U.S.C. § 1983 complaint on January 7, 2019. Prior to service of a response to the complaint, Plaintiff filed a motion wherein he requests dismissal of this case. Doc. 13. The court considers the motion as a Notice of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), which permits voluntary dismissal by a plaintiff “before the opposing party serves either an answer or a motion for summary judgment[.]” Under Fed. R. Civ. P. 41(a)(1)(B), such dismissal is “without prejudice.”

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that this case is DISMISSED without prejudice pursuant to Plaintiff’s Notice of Dismissal. Doc. 13.

The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is closed.

Done, this 8<sup>th</sup> day of March 2019.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE